

CROWLEY FLECK, PLLP  
Kenneth K. Lay  
900 N. Last Chance Gulch #200  
Helena, MT 59601  
Phone: (406) 449-4165  
Fax: (406) 449-5149

PERKINS COIE LLP  
Thomas N. Abbott  
505 Howard Street, Suite 1000  
San Francisco, CA 94105  
Phone: (415) 344-7000  
Fax: (415) 344-7050

Attorneys for Defendant  
U.S. Bank Trust, N.A. as Trustee for  
LSF9 Master Participation Trust

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

DAVID P. KING, JR.,

Plaintiff,

v.

LSF9 MASTER PARTICIPATION  
TRUST,

Defendants.

Case 9:17-cv-00172-DLC-JCL

**MOTION TO EXCLUDE  
EXPERT WITNESSES SYLVIA  
KESSLER AND DAVID  
WITZKE**

Defendant U.S. Bank Trust, N.A., as trustee of the LSF9 Master Participation Trust (“U.S. Bank”) hereby moves the Court for an order in limine excluding Plaintiff David P. King, Jr.’s (“King”) expert witnesses Sylvia

Kessler and David Witzke. Each witness is irrelevant to King's claims and would not assist the jury in determining any fact at issue, and is therefore inadmissible under Fed. R. Evid., Rule 402. Additionally, such evidence or argument would mislead and confuse the jury as to the law, and would be an unwarranted and legally unnecessary distraction from any actual issues in this case. Accordingly, such evidence should be excluded under Fed. R. Evid., Rule 403.

A brief in support of this motion is filed herewith.

Pursuant to Local Rule 7.1(c)(1), Plaintiff's counsel has been contacted regarding this motion, and Plaintiff opposes the motion.

Dated: June 19, 2019

**CROWLEY FLECK, PLLP**

By: /s/ Kenneth K. Lay

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